IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
WRIT PETITION NO.3847 OF 2006

Kondiram s/o Govindrao Budruksha ...Petitioner.
V/s.
State of Maharashtra and Ors. ...Respondents.

Mr.M.A.Choudhary for the Petitioner.
Mr.Vinay Sonpal, D.G.P. for the Respondent Nos.1 and 2.

CORAM: B.H.MARLAPALLE &
J.H.BHATIA, JJ.
DATE : 8th November, 2006.
P.C.:

1. Heard the learned counsel for the Petitioner and the learned A.G.P. The order of the deletion of the Respondent Nos.3 and 4 is hereby recalled.

2. The petitioner whose grievance is that he has been validly appointed as Shikshan Sevak under the Respondent Nos.3 and 4, Respondent No.2 has refused to grant approval to the said appointment. Petitioner’s appointment has been made against the post reserved for schedule tribe and he claims that he belongs to "Koli Mahadev" schedule tribe on the basis of caste certificate issued by the Taluka Executive Magistrate on 16-8-1990. It is also stated that the Respondent No.4 has submitted caste certificate with concerned papers to the Respondent No.5-Committee on 30-11-2005 and requested for verification of petitioner’s claim that he

belongs to schedule tribe. Unless the petitioner's tribe claim is verified and upheld, the Respondent No.2 would be justified in refusing to grant approval to such an appointment made against the reserved post. However, till such time the verification proceedings are pending, petitioner will be entitled to get honorarium as has been prescribed by the State Government in the scheme for appointment of Shikshan Sevak.

3. We, therefore, direct the Petitioner to approach the Respondent No.5-Committee for verification of schedule tribe's claim at Aurangabad with a sponsoring letter to be issued by the Respondent Nos.3 and 4 and submit the papers to the verification committee within a period of four weeks from today. We direct the committee to adjudicate petitioner' schedule tribe claim as per law as expeditiously as possible but in any case within a period of 3 months from the first appearances of the petitioner. In the meanwhile, the petitioner will be entitled for his compensation/salary as Shikshan Sevak if he is presently in service and it should be paid by the Respondent Nos.3 and 4.

4. With the above directions, petition stands disposed off.

5. Writ to go to the committee forthwith.

(J.H.BHATIA,J.) **(B.H.MARLAPALLE,J.)**